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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,921	07/09/2003	Takahisa Hatakeyama	826.1880	7868

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/614,921	Applicant(s) HATAKEYAMA ET AL.	
	Examiner Cristina Owen Sherr	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the application filed July 9, 2004. Claims 1-38 are pending in this case.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-28, 31, 34, 36, and 38 drawn to a central processing unit comprising an encrypting unit, classified in class 713, subclass 189.
- II. Claims 29-31, drawn to an IC card, comprising a central processing unit, classified in class 705, subclass 41.
- III. Claims 32, 33, 37 drawn to a recording device in which is recorded a program for causing a CPU to execute a process protection program, classified in class 705, subclass 51.
- IV. Claim 35 drawn to a program-generating device generating a program executed by a computer, classified in class 713, subclass 150.

3. The inventions are distinct, each from the other because of the following reasons:

4. All inventions are related as different methods and different apparatuses for their practice. The inventions are distinct if it can be shown that either: (1) the methods as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatuses as claimed could be used to practice materially different processes. (MPEP § 806.05(e)). In this case, each of the different methods as claimed can be practiced at least partially by hand as well as the apparatuses as claimed could be used to practice materially different processes.

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5. Because all of these inventions are distinct and because the search required for any one Group is not necessarily required for any other Group, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Election of Species

8. It is further noted that, should the applicant elect the claims in Group I, above, that group is further subject to an election of species as follows.

9. This application contains claims directed to the following patentably distinct species of the claimed invention:

IA. Claims 1, 2, 27, 34, 36, and 38, drawn to a central processing unit comprising an encrypting unit, where the encrypting unit decrypts the encrypted block in units of cache.

IB. Claims 1,3-6, 8-12, 17, 34, 36, 38 drawn to a central processing unit comprising an encrypting unit, further comprising a tamper-resistant buffer.

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IC. Claims 1, 7, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, wherein the first license is buried in the first program.

ID. Claims 1, 13, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, further including a session key obtained by making mutual authentication.

IE. Claims 1, 14-16, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, where said encrypting unit obtains a private key encryption key.

IF. Claims 1, 18, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, where the first program is a trusted computing module.

IG. Claims 1, 19, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, where the first program is a program for causing the CPU to implement an electronic wallet.

IH. Claims 1, 20, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, where the first program is a program for handling personal information.

II. Claims 1, 21, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, where the first program is a virus check program.

IJ. Claims 1, 22, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, where the first program is a mobile agent that moves among a plurality of CPU's.

IK. Claims 1, 23, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit including hash verification requirement/nonrequirement.

IL. Claims 1, 24, drawn to a central processing unit comprising an encrypting unit, including encryption requirement/nonrequirement information.

IM. Claims 1, 25, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, a header of an executable file includes an encrypted bitmap indicating configuration of a block which configures the first program.

IN. Claims 1, 16, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit, wherein a start of a code of the first program specifies that a plurality of blocks configuring the first program are a repetition of a combination of a plain text block and an encrypted block.

IO. Claims 1, 31, 34, 36 and 38 drawn to a central processing unit comprising an encrypting unit that is mounted in a robot.

10. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

11. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

12. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

13. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COS


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222